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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,084	04/30/2001	John Mantegna	06975-207001	1606
26171	7590	03/30/2005	EXAMINER	
FISH & RICHARDSON P.C. 1425 K STREET, N.W. 11TH FLOOR WASHINGTON, DC 20005-3500			QURESHI, SHABANA	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 084 09/845,045	Applicant(s) GAMBLE ET AL.
	Examiner Shabana Qureshi	Art Unit 2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 30 August 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-23 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 30 August 2004 have been fully considered. The position of the previous non-final office action is now moot, Examiner has supplied new grounds of rejection in this action.

Applicants' main argument is that Ward does not describe or suggest a modifying a number of samples of a playback block to correct a temporal drift.

Examiner respectfully disagrees with the allegations as argued. Examiner, in his previous office action, gave detail explanation of claimed limitation and pointed out exact locations in the cited prior art.

Examiner has modified her previous office action in response to Applicant's argument as shown below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over David Ward (EP 921,666 A2) in view of Soques (US Patent No. 6,710,725).

In regards to claims 1, 10, and 17, Ward teaches a method for dynamic latency management in a real-time electronic communication comprising:

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- measuring a size of a receiving data buffer (page 4, lines 22-23);
- comparing the measured size to a predetermined nominal data buffer size (page 4, lines 22-31);
- determining an amount of temporal drift based on the comparison of the measured data buffer size and the nominal buffer size page 4, lines 22-31);
- determining a number of samples to be inserted in or removed from a playback data block to correct the temporal drift (page 4, lines 22-23; page 4, lines 28-31); and

Ward does not explicitly state the modifying of the number of samples in the playback data block to correct the temporal drift. However, Soques teaches the modifying of the number of samples in the playback data block to correct the temporal drift (Soques, column 10, lines 17-41). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ward to include the rendering of the number of samples in the playback data block in order to improve audio quality (Soques, column 2, lines 18-20).

As per claims 2, 11, and 18, Ward in view of Soques teach the method of claims 1, 10, and 17, wherein the number of samples is modified without introducing audible artifacts (page 6, lines 39-49).

As per claims 3, 12, and 19, Ward in view of Soques teach the method of claims 1, 10, and 17, wherein measuring the communication delay comprises measuring an instantaneous communication delay associated with the receiving data buffer (page 6, lines 1-7).

As per claims 4, 13, and 20, Ward in view of Soques teach the method of claims 3, 12, and 19, wherein measuring the communication delay comprises:

- measuring the instantaneous communication delay associated with the receiving data buffer two or more times (page 4, lines 43-46); and
- averaging the measurements (page 4, lines 45).

As per claims 5, 14, and 21, Ward in view of Soques teach the method of claims 1, 10, and 17, wherein the real-time electronic communication includes an audio communication (page 4, lines 32-35).

As per claims 6, 15, and 22, Ward in view of Soques teach the method of claims 5, 14, and 21, wherein modifying the number of samples comprises performing heuristic resampling of a playback block (page 8, lines 16-29).

As per claims 7, 16, and 23, Ward in view of Soques teach the method of claims 6, 15, and 22, wherein performing heuristic resampling comprises:

- analyzing multiple consecutive samples of audio data in the playback block (page 4, lines 13-26);
- identifying consecutive samples with minimal variation in a parameter of their data (page 7, lines 49-52); and
- adjusting the number of samples in the identified consecutive samples (page 4, lines 13-26).

As per claim 8, Ward in view of Soques teach the method of claim 7, wherein adjusting the number of samples comprises removing a sample from the identified consecutive samples (page 5, lines 5-18).

As per claim 9, Ward in view of Soques teach the method of claim 8, wherein adjusting the number of samples comprises adding a sample to the identified consecutive samples (page 5, lines 5-18).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shabana Qureshi whose telephone number is (571) 272-3990. The examiner can normally be reached on Monday - Thursday, 9:30 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shabana Qureshi
Examiner
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SQ

March 20, 2005

Bharat Barot

BHARAT BAROT
PRIMARY EXAMINER